
By: **Delegates Conroy and Frush**

Introduced and read first time: January 31, 2003

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Telephone Companies - Universal Directory Service**

3 FOR the purpose of requiring a local exchange carrier to provide to competing
4 providers nondiscriminatory access to its telephone numbers, directory
5 assistance, and directory listings services, including certain databases, at
6 certain rates; requiring a local exchange carrier to include in its directory
7 assistance and directory listings databases the telephone numbers of customers
8 of competing providers on a nondiscriminatory basis under certain
9 circumstances; requiring a local exchange carrier to provide to any person
10 seeking directory assistance or directory listings services certain telephone
11 numbers on a nondiscriminatory basis; requiring a competing provider to
12 provide the telephone numbers to the local exchange carrier in accordance with
13 a certain schedule; requiring the Public Service Commission to adopt certain
14 regulations; authorizing certain civil penalties to be imposed for certain
15 violations of this Act and of certain regulations; providing a certain right of
16 private action to enforce the provisions of this Act; providing that the failure of
17 a local exchange carrier to include in its directory assistance and directory
18 listings databases the telephone number of a customer of a competing provider
19 creates a certain presumption; providing that the failure of a competing provider
20 to provide certain telephone numbers to the local exchange carrier in accordance
21 with a certain schedule creates a certain presumption; defining certain terms;
22 and generally relating to telephone companies and directory service.

23 BY adding to

24 Article - Public Utility Companies

25 Section 8-206

26 Annotated Code of Maryland

27 (1998 Volume and 2002 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

29 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Public Utility Companies

2 8-206.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "COMPETING PROVIDER" MEANS A CARRIER THAT COMPETES WITH
6 OTHER LOCAL EXCHANGE CARRIERS.

7 (3) "LOCAL EXCHANGE CARRIER" MEANS A PROVIDER OF TELEPHONE
8 EXCHANGE SERVICES AND TELEPHONE TOLL SERVICES.

9 (4) "TELEPHONE NUMBER" DOES NOT INCLUDE AN UNLISTED OR
10 UNPUBLISHED NUMBER.

11 (B) (1) A LOCAL EXCHANGE CARRIER SHALL PROVIDE TO COMPETING
12 PROVIDERS NONDISCRIMINATORY ACCESS TO ITS TELEPHONE NUMBERS,
13 DIRECTORY ASSISTANCE, AND DIRECTORY LISTINGS SERVICES, INCLUDING ITS
14 DIRECTORY DATABASES, AT NONDISCRIMINATORY AND REASONABLE RATES.

15 (2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A LOCAL
16 EXCHANGE CARRIER SHALL INCLUDE IN ITS DIRECTORY ASSISTANCE AND
17 DIRECTORY LISTINGS DATABASES THE TELEPHONE NUMBERS OF CUSTOMERS OF
18 COMPETING PROVIDERS ON A NONDISCRIMINATORY BASIS.

19 (3) A LOCAL EXCHANGE CARRIER SHALL PROVIDE TO ANY PERSON
20 SEEKING DIRECTORY ASSISTANCE OR DIRECTORY LISTINGS SERVICE THE
21 TELEPHONE NUMBERS OF CUSTOMERS OF COMPETING PROVIDERS ON A
22 NONDISCRIMINATORY BASIS.

23 (4) A COMPETING PROVIDER SHALL PROVIDE THE TELEPHONE
24 NUMBERS OF ITS CUSTOMERS TO THE LOCAL EXCHANGE CARRIER IN ACCORDANCE
25 WITH THE SAME DIRECTORY CLOSE SCHEDULE, IF ANY, THAT APPLIES TO THE LOCAL
26 EXCHANGE CARRIER FOR ITS OWN CUSTOMERS' TELEPHONE NUMBERS.

27 (C) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT LOCAL
28 EXCHANGE CARRIERS AND COMPETING PROVIDERS COMPLY WITH THIS SECTION.

29 (D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE
30 COMMISSION MAY ORDER A LOCAL EXCHANGE CARRIER OR COMPETING PROVIDER
31 THAT VIOLATES THIS SECTION OR A REGULATION ADOPTED UNDER SUBSECTION (C)
32 OF THIS SECTION TO PAY TO A CUSTOMER OF A LOCAL EXCHANGE CARRIER OR
33 CUSTOMER OF A COMPETING PROVIDER WHO IS THE SUBJECT OF THE VIOLATION A
34 CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH DAY THAT THE VIOLATION
35 OCCURRED AND REASONABLE ATTORNEY'S FEES.

36 (2) THE CIVIL PENALTY ASSESSED UNDER PARAGRAPH (1) OF THIS
37 SUBSECTION MAY BE IMPOSED:

1 (I) IN ADDITION TO ANY OTHER ACTIONS BY THE COMMISSION IN
2 ACCORDANCE WITH THIS ARTICLE; AND

3 (II) IN ADDITION TO OR IN PLACE OF ANY CIVIL PENALTIES THAT
4 THE COMMISSION MAY IMPOSE UNDER §§ 13-201 AND 13-201.1 OF THIS ARTICLE.

5 (3) IF A CUSTOMER OF A LOCAL EXCHANGE CARRIER OR CUSTOMER OF
6 A COMPETING PROVIDER RECOVERS A CIVIL PENALTY UNDER SUBSECTION (E)(1)(II)1
7 OF THIS SECTION FOR A VIOLATION, THE COMMISSION MAY NOT ORDER THE LOCAL
8 EXCHANGE CARRIER OR COMPETING PROVIDER TO PAY A CIVIL PENALTY UNDER
9 PARAGRAPH (1) OF THIS SUBSECTION FOR THE SAME VIOLATION.

10 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO
11 ANY ACTION TAKEN BY THE COMMISSION UNDER THIS ARTICLE, A CUSTOMER OF A
12 LOCAL EXCHANGE CARRIER OR A CUSTOMER OF A COMPETING PROVIDER MAY:

13 (I) BRING AN ACTION AGAINST A LOCAL EXCHANGE CARRIER OR
14 COMPETING PROVIDER FOR A VIOLATION OF THIS SECTION OR A REGULATION
15 ADOPTED UNDER SUBSECTION (C) OF THIS SECTION; AND

16 (II) RECOVER AS A PART OF THE JUDGMENT REASONABLE
17 ATTORNEY'S FEES AND:

18 1. A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH DAY
19 THAT THE VIOLATION OCCURRED; OR

20 2. ACTUAL DAMAGES.

21 (2) IF THE COMMISSION HAS ORDERED PAYMENT OF A CIVIL PENALTY
22 UNDER SUBSECTION (D) OF THIS SECTION TO A CUSTOMER OF A LOCAL EXCHANGE
23 CARRIER OR A CUSTOMER OF A COMPETING PROVIDER FOR A VIOLATION OF THIS
24 SECTION OR A REGULATION ADOPTED UNDER SUBSECTION (C) OF THIS SECTION,
25 THE CUSTOMER MAY NOT RECOVER A CIVIL PENALTY UNDER PARAGRAPH (1)(II)1 OF
26 THIS SUBSECTION FOR THE SAME VIOLATION.

27 (F) THE FAILURE OF A LOCAL EXCHANGE CARRIER TO INCLUDE IN ITS
28 DIRECTORY ASSISTANCE AND DIRECTORY LISTINGS DATABASES THE TELEPHONE
29 NUMBER OF A CUSTOMER OF A COMPETING PROVIDER CREATES A REBUTTABLE
30 PRESUMPTION THAT THE LOCAL EXCHANGE CARRIER HAS VIOLATED THIS SECTION
31 AND THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.

32 (G) THE FAILURE OF A COMPETING PROVIDER TO PROVIDE THE TELEPHONE
33 NUMBERS OF ITS CUSTOMERS TO THE LOCAL EXCHANGE CARRIER IN ACCORDANCE
34 WITH THE SAME DIRECTORY CLOSE SCHEDULE, IF ANY, THAT APPLIES TO THE LOCAL
35 EXCHANGE CARRIER FOR ITS OWN CUSTOMERS' TELEPHONE NUMBERS CREATES A
36 REBUTTABLE PRESUMPTION THAT THE COMPETING PROVIDER HAS VIOLATED THIS
37 SECTION AND THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS
38 SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.